

AMENDED IN SENATE JUNE 30, 2014

AMENDED IN SENATE JUNE 11, 2014

AMENDED IN ASSEMBLY MAY 20, 2014

AMENDED IN ASSEMBLY MAY 6, 2014

AMENDED IN ASSEMBLY APRIL 3, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1937

Introduced by Assembly Member Gordon

February 19, 2014

An act to add Section 955.5 to the Public Utilities Code, relating to ~~underground installations~~; *natural gas*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1937, as amended, Gordon. Natural Gas Pipeline Safety Act of 2011: school and hospital notification of nonemergency excavation or construction of gas ~~pipelines; underground installations~~; *pipelines*.

(1) Existing federal law requires the Pipeline and Hazardous Materials Safety Administration (PHMSA) within the United States Department of Transportation, to adopt minimum safety standards for pipeline transportation and for pipeline facilities, including an interstate gas pipeline facility and intrastate gas pipeline facility, as defined. Existing law authorizes the United States Secretary of Transportation to prescribe or enforce safety standards and practices for an intrastate pipeline facility or intrastate pipeline transportation to the extent that the safety standards and practices are regulated by a state authority that submits to the secretary annually a certification for the facilities and transportation.

Existing law authorizes a state authority that has submitted a current certification to adopt additional or more stringent safety standards for intrastate pipeline facilities and intrastate pipeline transportation only if those standards are compatible with the minimum standards prescribed by the PHMSA.

The Natural Gas Pipeline Safety Act of 2011, within the Public Utilities Act, designates the Public Utilities Commission as the state authority responsible for regulating and enforcing intrastate gas pipeline transportation and pipeline facilities pursuant to federal law, including the development, submission, and administration of a state pipeline safety program certification for natural gas pipelines. The act requires the commission, by July 1, 2012, to open an appropriate proceeding or expand the scope of an existing proceeding to establish compatible emergency response standards that owners or operators of certain commission-regulated gas pipeline facilities would be required to follow. The standards require owners or operators of intrastate transmission and distribution lines to implement emergency response plans that are compatible with PHMSA's regulations concerning emergency plans.

This bill would require a gas corporation to provide not less than 3 working days' notice, as specified, to the administration of a school or hospital prior to undertaking nonemergency excavation or construction of a gas pipeline when the work is located within 500 feet of the school or hospital. The bill would require the gas corporation to maintain a record of the date and time of any notification provided to the administration of a school or hospital prior to undertaking nonemergency excavation or construction of a gas pipeline and any subsequent contacts with the administration of a school or hospital relative to the excavation or construction and the actions taken, if any, in response to those subsequent contacts, and would require the records to be maintained and available for inspection for no less than 5 years from that date of notification.

~~-(2) Existing law requires an operator of a subsurface installation to become a member of, participate in, and share in the costs of, a regional notification center and requires any person planning to conduct an excavation to contact the appropriate regional notification center prior to commencing that excavation, as specified, if the excavation will be conducted in an area that is known, or reasonably should be known, to contain subsurface installations.~~

~~The bill would require an excavator or operator, as defined, including, but not limited to, a gas corporation, to comply with those requirements.~~

(3)

(2) Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because the requirements of this bill are within the act, a violation of these requirements would impose a state-mandated local program by creating a new crime.

-(4)

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 955.5 is added to the Public Utilities
2 Code, to read:

3 955.5. (a) For purposes of this section, the following terms
4 have the following meanings:

5 (1) "Gas pipeline" means an intrastate distribution line as
6 described in paragraph (1) of, or an intrastate transmission line as
7 described in paragraph (2) of, Section 950.

8 (2) "Hospital" means a licensed general acute care hospital as
9 defined in subdivision (a) of Section 1250 of the Health and Safety
10 Code.

11 (3) "School" means a public or private preschool, elementary,
12 or secondary school.

13 ~~(4) "Excavator" and "operator" have the same meaning as~~
14 ~~defined in Section 4216 of the Government Code.~~

15 (b) A gas corporation shall provide not less than three working
16 days' notice to the administration of a school or hospital prior to
17 undertaking nonemergency excavation or construction of a gas
18 pipeline if the work is located within 500 feet of the school or
19 hospital. The notification shall include all of the following:

20 (1) The name, address, telephone number, and emergency
21 contact information for the gas corporation.

1 (2) The specific location of the gas pipeline where the excavation
2 or construction will be performed.

3 (3) The date and time the excavation or construction is to be
4 conducted and when the work is expected to be completed.

5 (4) An invitation and a telephone number to call for further
6 information on what the school or hospital should do in the event
7 of a leak.

8 (c) The gas corporation shall maintain a record of the date and
9 time of any notification provided to the administration of a school
10 or hospital prior to undertaking nonemergency excavation or
11 construction of a gas pipeline and any subsequent contacts with
12 the administration of a school or hospital relative to the excavation
13 or construction and the actions taken, if any, in response to those
14 subsequent contacts. The gas corporation shall maintain these
15 records and make them available for inspection for no less than
16 five years from the date of the notification.

17 ~~(d) (1) An excavator or operator, including, but not limited to,~~
18 ~~a gas corporation, shall comply with Article 2 (commencing with~~
19 ~~Section 4216) of Chapter 3.1 of Division 5 of Title 1 of the~~
20 ~~Government Code.~~

21 ~~(2) This section does not eliminate any existing requirement~~
22 ~~imposed pursuant to Article 2 (commencing with Section 4216)~~
23 ~~of Chapter 3.1 of Division 5 of Title 1 of the Government Code.~~

24 SEC. 2. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.